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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER PEREZ, ANGELICA				
ART UNIT			PAPER NUMBER	
2684				

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,937

Applicant(s)

AKHTERZZAMAN ET AL.

Examiner

Angelica M. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/06/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s), including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 04/06/2005 have been considered but they are not persuasive.

2. In the remarks, the applicant argue in substance:

(A) In page 5, paragraphs 4 and 6 of the remarks, "...receiving a first signal at the mobile communication device from its supporting exchange where the signal represents that the one of the one or more designated geographical areas comprises one or more high traffic areas" and "...It was acknowledged in the Office Action that Kowaguchi in view of Tomoike does not teach the steps of claim 28 of "receiving at the mobile communication device a signal from a supporting exchange representing that the one of the one or more designated geographical areas comprises one or more high traffic areas; and preventing activation of the audible incoming call indicator in the mobile communication device in response to receipt of the first signal."

In response to argument (A), the examiner would like to point that Kowaguchi in view of Tomoike alone can support the rejection of claim 8. Murayama was included to further emphasize the rejection of claim 8. E.g., "Tomoike teaches of preventing activation of an audible incoming call indicator in the mobile communication device while the mobile communication device is within one of the one or more designated geographical areas (column 2, lines 43-47; where notification can be received by visual means and not necessarily though "audible means"); Tomoike further teaches of preventing activation of the audible incoming call indicator in the mobile communication

device in response to receipt of the first signal (columns 2 and 3, lines 59-67 and 1-2, respectively)". The limitation "receiving at the mobile communication device a first signal from a supporting exchange representing that the one of the one or more designated geographical areas comprises one or more high traffic areas; and preventing activation of the audible incoming call indicator in the mobile communication device in response to receipt of the first signal" is supported by the previous passages used in the rejection of the previous limitation, as shown above.

(B) In pages 7 and 8, paragraphs 4 and 1, respectively, "In the action it was stated that the execution processor 'sends the disconnect signal that is an indication on a designated high traffic area.'" Nowhere in the cited text is there a teaching of sending a "disconnect signal."

In response to argument (B), the examiner would like to point that in figure 1, there exist call control sections 2 and 3, where applicant can find a traffic monitoring section and a call termination judging section that as well known in radio communications connection/disconnections, the protocol requires a message to be sent when a disconnection is about to take place.

(C) In page 9, paragraph 5, "A general objective of Tomoikes is to not place...congested state"

In response to argument (C), the examiner is providing the broadest interpretation of claim 8, and Tomoike meets the requirement. E.g., "Tomoikes "restricts incoming calls to a ...in a traffic congestion state...When it is found that the location

information of the mobile information is in the area which is controlled by the incoming call restricting exchange, a call processing for a call is interrupted.” (abstract).

Claim Rejections - 35 USC § 103

3. Claims 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowaguchi (Kowaguchi, Satoshi; US patent No.: 6,201,973 B1) in view of Tomoike (Tomoike, Hiroyuki; US Paten No.: 6,233,447 B1), and further in view of Murayama (Murayama, Yuichi; US Paten No.: 6,643,514 B1).

Regarding claim 28, Kowaguchi teaches of a method comprising the steps of: storing in a mobile communication device location information for one or more designated geographical areas (figure 3, item 216 and columns 3 and 4, line 57-59 and 17-26, respectively); determining, by the mobile communication device, when the mobile communication device is within one of the one or more designated geographical areas (column 5, lines 25-39).

Kowaguchi does not specifically teach of preventing activation of an audible incoming call indicator in the mobile communication device while the mobile communication device is within one of the one or more designated geographical areas.

In related art, concerning a mobile communication system and a method of incoming call restriction, Tomoike teaches of preventing activation of an audible incoming call indicator in the mobile communication device while the mobile communication device is within one of the one or more designated geographical areas (column 2, lines 43-47; where notification can be received by visual means and not necessarily though “audible means”); Tomoike further teaches of preventing activation

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of the audible incoming call indicator in the mobile communication device in response to receipt of the first signal (columns 2 and 3, lines 59-67 and 1-2, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Kowaguchi's communication device location information for one or more designated geographical areas with Tomoike's incoming call restriction in order to avoid wasting processing when the system is congested, as taught by Tomoike.

Kowaguchi in view of Tomoike does not teach of receiving at the mobile communication device a first signal from a supporting exchange representing that the one of the one or more designated geographical areas comprises one or more high traffic areas; and preventing activation of the audible incoming call indicator in the mobile communication device in response to receipt of the first signal.

In related art, concerning call distribution for a radio exchange station in a mobile communication system, Murayama teaches of receiving at the mobile communication device a first signal from a supporting exchange representing that the one of the one or more designated geographical areas comprises one or more high traffic areas (column 4, lines 47-54 and columns 5 and 6, lines 66-67 and 1-15, respectively; where the "call processing execution processor" sends the disconnect signal that is an indication of a designated high traffic area).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Kowaguchi's and Tomoike's communication device location information for one or more designated geographical areas with Murayama's

indicating the one or more high traffic areas in order to distribute traffic in a manner that avoids a congestion state", as taught by Murayama.

Regarding claim 29, Kowaguchi in view of Tomoike, and further in view of Murayama teaches all the limitations of claim 28. Murayama further teaches the step of transmitting to the mobile communication device location information for the one or more first high traffic areas wherein use of audible incoming call indication is restricted (column 4, lines 47-54 and columns 5 and 6, lines 66-67 and 1-15, respectively; where the "call processing execution processor" sends the disconnect signal that is an indication of a designated high traffic area).

Regarding claim 30, Kowaguchi teaches of a method comprising the steps of: storing in a mobile communication device location information for one or more designated geographical areas (figure 3, item 216 and columns 3 and 4, line 57-59 and 17-26, respectively); determining, by the mobile communication device, when the mobile communication device is within one of the one or more designated geographical areas (column 5, lines 25-39); and preventing one or more outgoing calls from the mobile communication device in response to receipt of the first signal (column 4, lines 14-26).

Kowaguchi does not specifically teach of preventing activation of an audible incoming call indicator in the mobile communication device while the mobile communication device is within one of the one or more designated geographical areas.

In related art, concerning a mobile communication system and a method of incoming call restriction, Tomoike teaches of preventing activation of an audible

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incoming call indicator in the mobile communication device while the mobile communication device is within one of the one or more designated geographical areas (column 2, lines 43-47; where notification can be received by visual means and not necessarily though “audible means”); Tomoike further teaches of preventing activation of the audible incoming call indicator in the mobile communication device in response to receipt of the first signal (columns 2 and 3, lines 59-67 and 1-2, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Kowaguchi’s communication device location information for one or more designated geographical areas with Tomoike’s incoming call restriction in order to avoid wasting processing when the system is congested, as taught by Tomoike.

Kowaguchi in view of Tomoike does not teach of receiving at the mobile communication device a first signal from a supporting exchange representing that the one of the one or more designated geographical areas comprises one or more high traffic areas; and preventing activation of the audible incoming call indicator in the mobile communication device in response to receipt of the first signal.

In related art, concerning call distribution for a radio exchange station in a mobile communication system, Murayama teaches of receiving at the mobile communication device a first signal from a supporting exchange representing that the one of the one or more designated geographical areas comprises one or more high traffic areas (column 4, lines 47-54 and columns 5 and 6, lines 66-67 and 1-15, respectively; where the “call

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processing execution processor" sends the disconnect signal that is an indication of a designated high traffic area).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Kowaguchi's and Tomoike's communication device location information for one or more designated geographical areas with Murayama's indicating the one or more high traffic areas in order to distribute traffic in a manner that avoids a congestion state", as taught by Murayama.

Regarding claim 31, Kowaguchi in view of Tomoike, and further in view of Murayama teaches all the limitations of claim 30. Kowaguchi further teaches the step of transmitting to the mobile communication device location information for the one or more where outgoing calls are restricted (figure 4 shows different transmission inhibition areas). Murayama further teaches second high traffic areas (column 3, lines 61-66; where different congestion areas are determined by different locations).

Regarding claim 32, Kowaguchi in view of Tomoike, and further in view of Murayama teaches all the limitations of claim 28. Tomoike further teaches where the step of receiving at the mobile communication device a first signal comprises receiving the first signal via a wireless transmission a from the supporting exchange (column 4, lines 58-67 and figure 2).

Regarding claim 33, Kowaguchi in view of Tomoike, and further in view of Murayama teaches all the limitations of claim 30. Tomoike further teaches where the step of receiving at the mobile communication device a first signal comprises receiving

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the first signal via a wireless transmission a from the supporting exchange (column 4, lines 58-67 and figure 2).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 7:00 a.m. - 3:30 p.m., Monday - Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571)272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information


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for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


Angelica Perez
(Examiner)

June 6, 2005


NICK CORSARO
PRIMARY EXAMINER

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